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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,569	12/17/2001	Hsing-Tung Wang	4504-044	6245

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BERKELEY LAW & TECHNOLOGY GROUP  
1700NW 167TH PLACE  
SUITE 240  
BEAVERTON, OR 97006

EXAMINER
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GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/015,569	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> Heather D. Gibbs	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1-2,4-25 are pending.

***Specification***

2. The amendment filed 10/10/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows: Figure 7 has been added, however, applicant must amend the specification to correspond with "Brief Description of Drawings".

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2,4-5,7-8,11,13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Lu (US 6.046,826).

For claim 1, which is representative of claim 15 and 20, Applicant's admitted prior art discloses an apparatus having a light source for a transparent sheet of a scanner comprising: a scanner upper shell10; a light emitting element 12 disposed on said

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scanner upper shell; a reflective plate 121 disposed between said scanner upper shell and said light-emitting element, said reflective plate being adapted to reflect from said light-emitting element onto a surface (Page 1 and 2; Figs1A-2B).

Applicant's admitted prior art does not disclose expressly an aperture formed on a first predetermined position of said reflective plate to decrease said reflective light on a portion of said surface.

Lu discloses an aperture formed on a first predetermined position of said reflective plate to decrease said reflective light on a portion of said surface (Col 1 Lines 60-Col 2 Line11; Fig 2A).

Applicant's admitted prior art & Lu and combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Lu with Applicant's admitted prior art.

The suggestion/motivation for doing so would have been to decrease the illumination with an aperture.

Therefore, it would have been obvious to combine Applicant's admitted prior art with Lu to obtain the invention as specified in claim 1.

Regarding claim 2, Applicant's admitted prior art discloses wherein said light-emitting element comprises a lamp (Ref. 160; Fig 2B).

For claim 4-5, which is representative of claims 18 and 22-23, Lu teaches wherein said reflective plate substantially comprises an arc shape and 'Π' shape (See Fig 2A)

Considering claim 7, Lu teaches wherein said aperture substantially comprises an elongated shape (Fig 2A).

Regarding claim 8, which is representative of claim 21, Lu discloses a spreading plate disposed between said light-emitting elements and said reflective plate (Col 2 Lines 29-38; Fig 4).

For claim 11, Lu teaches a protective plate disposed on said scanner upper shell for protecting said apparatus (Col 1 Lines 60-Col 2 Line 11; Fig 2A).

Considering claim 13, which is representative of claim 16, Lu discloses a scanner lower shell coupled to said scanner upper shell (Ref 11 Fig 1).

Regarding claim 14, Lu teaches wherein said scanner upper shell and said scanner lower shell substantially comprises a scanning device (Ref 12 Fig 1).

Considering claim 17, Lu teaches wherein said aperture is adapted to not reflect the light produced by a light source of said scanner (Col 2 Lines 42-46).

For claims 19 and 24, Examiner rejects comprising at least two apertures formed on the plate as design choice, as applicant has not pointed out the significance of forming at least apertures on the plate.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Lu and Nakamura (JP 10-197969A).

Applicant's admitted prior art in view of Lu discloses the apparatus as discussed above.

Applicant's admitted prior art in view of Lu does not disclose expressly wherein the central part of said aperture is wider than the two ends (claim 6).

Nakamura discloses wherein a central part of said aperture is wider than the two ends (Drawing 1).

Applicant's admitted prior art & Lu and Nakamura are combinable because they are units, which have lamps that irradiate light towards a manuscript.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Applicant's admitted prior art with Lu and Nakamura.

The suggestion/motivation for doing so would have been to decrease the quantity of light irradiated by the manuscript (Paragraph 0005).

Therefore, it would have been obvious to combine Nakamura with Applicant's admitted prior art and Lu to obtain the invention as specified in claims 4-6.

6. Claims 9-10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Lu and Kito et al (US 6,864,998).

Applicant's admitted prior art in view of Lu discloses the apparatus as discussed above.

For claim 9, Kito teaches wherein said spreading plate includes a plurality of perforations (Col 14 Lines 7-26).

Considering claim 10, Kito discloses wherein said spreading plate is adapted to distribute at least a portion of the light emitted by said light emitting element (Col 14 Lines 7-26).

Applicant's admitted prior art in view of Lu & Kito are combinable because they are from the same scope of nature, apparatus with a light source.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Lu and Kito with Applicant's admitted prior art.

The suggestion/motivation for doing so would have been to cover the rays passing through.

Therefore, it would have been obvious to combine Applicant's admitted prior art with Lu and Kito to obtain the invention as specified in claims 9-10.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Lu et al (US 6,046,826) and further in view of Nakamichi (US 6,785,898).

APA and Lu disclose the apparatus as discussed above.

APA and Lu do not disclose expressly wherein at least a portion of the one or more apertures comprise a first end, a center portion and a second end, wherein the center portion of the aperture is wider than one of the first and second end.

Nakamichi discloses wherein at least a portion of the one or more apertures comprise a first end, a center portion and a second end, wherein the center portion of the aperture is wider than one of the first and second end.

APA, Lu & Nakamichi are combinable because they are from the same field of endeavor, devices with scanning inputs.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Nakamichi with APA and Lu.

The suggestion/motivation for doing so would have been to eliminate potential cause of damage to the apparatus during insertion and removal, as taught by Nakamichi.

Therefore, it would have been obvious to combine Nakamichi with APA and Lu to obtain the invention as specified in claim 25.

### ***Response to Arguments***

8. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues the limitations of claim 1 (and hence it's dependent claims) are not taught by applicant's admitted prior art. Upon further review, Examiner feels these limitations are taught by Applicant's admitted prior art in view of Lu, Nakaumura, and Kito, as discussed above. The aperture is on the cover, which has a reflecting capability. In the middle of the base is a cut 220 serving as light slot for light to pass through, as taught in Lu and claimed in applicant's invention. Examiner would kindly like to point applicant's attention to the cited passages are pointed out above and in the previous office action with attention to Lu Col 1 Lines 60- Col 2 Line 11 and Fig 2A.

### ***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The LED array is critical or essential to the practice of



the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

### ***Drawings***

11. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the LED array must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Heather D Gibbs  
Examiner  
Art Unit 2625

hdg



THOMAS D. LEE